

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, and the remarks that follow as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes and remarks are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 1, 2, 8, 11 and 12 are pending. Claims 1, 2, 8, 11 and 12 have been amended and claims 3-7, 9, 10 and 13-34 have been canceled herein, without prejudice. No new matter is added by these amendments. Support for the recitations in the claims is found throughout the specification.

Claims 1, 2, 8, 11 and 12 were rejected under 35 U.S.C. 102(b) allegedly as being anticipated by Yamada et al. (U.S. Patent No. 6,115,537). Applicants disagree.

Claim 1 has been amended by adding a limitation that was stated as being allowable by the Examiner in claim 10. Specifically, the limitation, “wherein said sync block generating means records a flag indicating whether a data area of the sync block is totally occupied with effective data in a header of the sync block, and, when the data area of the sync block is not totally occupied with the effective data, a data length of the effective data is recorded in a head of the data area” was added to claim 1. The cancellation of claim 10 is not an admission by the

applicants of agreement with the Examiner's argument. Rather, claim 10 is being cancelled herein to expedite prosecution in this matter. Therefore claim 1 is believed to be allowable.

For reasons similar to those described above, claims 11 and 12 are also believed to be allowable.

Claims 2 and 8 depend from claim 1 and, due to such dependency, are also believed to be allowable for at least the reasons previously described.

Applicants therefore respectfully request that the rejection of claims 1, 2, 8, 11 and 12 under 35 U.S.C. §102(b) over Yamada be reconsidered and withdrawn.

Claim 10 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants submit that claim 10 has been canceled and such allowable limitation has been incorporated into independent claims 1, 11 and 12.

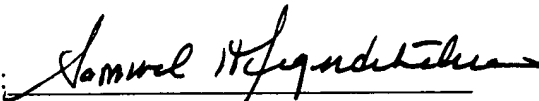
The Examiner stated that claim 10 is allowable. Applicants appreciate the Examiner's indication of the allowance of claim 10. To the extent the Examiner's Statement of Reasons for Allowance states, implies or is construed to mean that the claim is allowable over the prior art of record because the Examiner believes the claim should be interpreted to include one or more features or limitations not recited therein, Applicants attorney disagrees with such an interpretation. Moreover, it is Applicants contention that there is no particular limitation in the allowed claim that is more critical than any other. The issuance of the Examiner's Statement of Reasons for Allowance should not be construed as a surrender by Applicants of any subject matter. It is the intent of Applicants, by their attorney, to construe the allowed claim so as to cover the invention disclosed in the instant application and all equivalents to which the claimed invention is entitled.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited documents, it is requested that the Examiner indicate where in the reference, is there a basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant(s)

By: 
Samuel H. Megerditchian
Reg. No. 45,678
(212) 588-0800